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Attorneys for Plaintiff, FITNESS INTERNATIONAL, LLC

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FITNESS INTERNATIONAL, LLC

Plaintiff,

-vs-

LEAH ALSPAUGH and DOES 1
through 50, inclusive,

Defendant.

Case No.: 8:22-CV-01800-DOC-DFM

**PARTIES' PROPOSAL RE FURTHER
HANDLING; AND [PROPOSED]
ORDER**

On February 5, 2024, the Court held an evidentiary hearing regarding defendant LEAH ALSPAUGH's ("Alspaugh") continuing violations of the May 8, 2023 Permanent Injunction (Dkt. 81). The evidence included oral testimony from plaintiff FITNESS INTERNATIONAL, LLC's ("Fitness") manager of its La Habra gym, Ernesto Roque, as well as the presentation of four (4) surveillance videos showing Alspaugh's conduct at Fitness' La Habra gym of November 6, 2023, December 22, 2023, January 24, 2024, and January 29, 2024, entered into evidence as Exhibits 1 through 4, respectively. Alspaugh was arrested by the La Habra Police Department on January 29, 2024, and subsequently was taken into custody by the U.S. Marshal's for civil contempt.

At the conclusion of the presentation of evidence, the Court expressed concern regarding Alspaugh's increasingly dangerous conduct towards Fitness personnel. The Court further expressed concern about keeping Alspaugh in custody for civil contempt when Alspaugh may not be capable of complying with the Court's orders due to her questionable competency. The Court requested that the counsel for the Parties meet and confer and present a proposal for how the Court may proceed.

After meeting and conferring, Counsel for the Parties were unable to agree on how to proceed.

Alspaugh's Court-appointed counsel recommends the following:

1. That the Court determine Ms. Alspaugh is not competent to proceed and appoint _____ as a guardian ad litem to represent Alspaugh in all proceedings pursuant to Federal Rule of Civil Procedure, Rule 17(c)(2);
2. That the guardian, once appointed, be directed to inform the Court within 60 days, via *in camera* and under seal filing, regarding Ms. Alspaugh's mental health and ability to comply with further orders of the Court;
3. Alternatively, that the Court set a hearing on competency in this matter and arrange for Ms. Alspaugh to be independently psychologically evaluated in advance of such a hearing.

Fitness' counsel recommends the following:

1. That the matter be referred to the U.S. Attorney for criminal prosecution for trespass, theft, and assault.

2. Alternatively, to the extent the Court appoints a guardian ad litem to represent Alspaugh, that the following conditions apply:

a. That Alspaugh confirm on the record that she will not enter into or go within 100 feet of any Fitness International, LLC premises, including without limitation its corporate offices and all LA Fitness, Club Studio and Esporta Fitness gyms;

b. That Alspaugh undergo out-patient mental health treatment for a period of no less than one (1) year;

c. That Alspaugh be ordered to check in with the guardian ad litem daily by telephone;

d. That Alspaugh be ordered to report to the guardian ad litem in person once every two weeks;

e. That the guardian ad litem report to this Court (or the Magistrate Judge should the case be transferred) once a month regarding Alspaugh's activities; and

f. That the Court hold a status conference for all parties at once least every 2 months, or sooner should Alspaugh trespass onto Fitness' premises and/or harassing Fitness business or personnel either in person or on the phone.

DATED: February 7, 2024

YOKA | SMITH, LLP



BY: _____

ALICE CHEN SMITH
CHRISTINE C. DE METRUIS
Attorneys for Plaintiff, FITNESS
INTERNATIONAL, LLC

1 DATED: February 7, 2024

OFFICE OF THE FEDERAL PUBLIC
DEFENDER, CENTRAL DISTRICT OF
CALIFORNIA

2
3 BY: /s/ Samuel Cross (by email authorization)

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5 SAMUEL CROSS
6 Deputy Public Defender
7 Attorneys for Defendant, LEAH
8 ALSPAUGH

9 **[PROPOSED] ORDER**

10 Based upon the Parties' proposals, and after conducting a hearing on the matter,
11 the Court Orders as follows:

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19 IT IS SO ORDERED.

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21 Dated: February 7, 2024

22 Hon. Judge David O. Carter
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